

CUSTOMER NO. 31013

[Continuation of U.S. Serial No. 09/897,986]
058081-00003WS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Contini, Arturo

Serial No: 10/690,086

Filed: October 20, 2003

For: **BALSAMIC SAUCE FOR ALIMENTARY
USE, WITH A BASIS OF BALSAMIC
VINEGAR OF MODENA**

Examiner: N/A

Group Art Unit: 1761

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450, on February 13, 2004

William J. Spatz, Reg. No. 30,108

Name of Applicant, Assignee or Registered Representative

William J. Spatz
Signature

2/13/04
Date of Signature

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants respectfully submit this Supplemental Information Disclosure Statement and accompanying PTO 1449 form pursuant to 37 C.F.R. §§1.97 and 1.98 to comply with the duty of disclosure under 37 C.F.R. §1.56.

Applicants bring to the attention of the Examiner the prior art references listed on the attached Form PTO-1449. Copies of the references, other than the U.S. Patent, are enclosed for the convenience of the Examiner. English language abstracts have been provided for any foreign language references which have no English language counterpart. Complete English language translations of such foreign language documents are not readily available to applicant.

Applicants having the following comments on the references listed in the accompanying PTO 1449:

U.S.P.N. 4,632,840 - This patent is directed to a process for making a dressing comprising W/O/W type multiple emulsions, wherein the outer aqueous phase is prepared by adding an additive, which may be vinegar (col. 2, line 49), to water (col. 2, lines 35-39). The patent makes no reference to balsamic vinegar of Modena, and the only example in the patent which references vinegar describes adding 1000g of brewed vinegar to 3000g of water with 700g of cornstarch, 200g of sugar and 90g of salt. Accordingly, the concentration of vinegar in the aqueous phase described in this reference is only approximately 20%.

WO 00 67750 - This reference is not directed to a sauce based on balsamic vinegar of Modena. To the extent the product of this reference contain balsamic vinegar, the concentration of balsamic vinegar in the sauce is only about 3%. (See, page 19, line 15.)

French Patent Publication No. 2,793,165 - is directed to a food-grade emulsion which contains an aqueous phase which may comprise balsamic vinegar. To the extent that the described emulsion may contain any vinegar, it is limited to 0.1 to 20% vinegar in water.

Patent Abstract 5 of Japan, Volume 008, No. 236 (C-249), 30 October 1984 and Database WPI, Section Ch., Week 198434, Derwent Publications Ltd., London, GB; Class D13, Page 3, AN 1984-209333 - These publications are directed to a bamboo containing sauce which may include 1-30 weight percent of a seasoning, which may be vinegar. The reference does not describe the use of balsamic vinegar of Modena, nor a basic preparation with lactose, dehydrated glucose syrup and maltodextrin, among other ingredients.

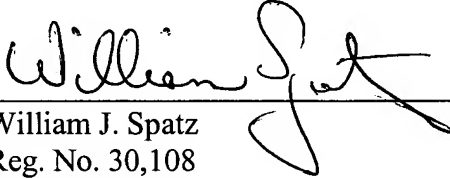
This Supplemental Information Disclosure Statement is not a representation that the documents cited herein are considered most pertinent, or that a search has been undertaken, or that any of the cited documents is indeed prior art. The Examiner is invited to undertake an independent search.

Pursuant to Rule 37 C.F.R. 1.97(b), an Information Disclosure Statement shall be considered by the Patent Office if filed before the mailing date of the first Official Action on the merits. As this Information Disclosure Statement is being submitted before a first Official Action, no fee is believed to be necessary for it. However, if any fee is found to be due, the Commissioner is authorized to charge such fee, or credit any overpayment in such fees, to Deposit Account No. 50-0540.

Applicants respectfully request that the Examiner consider and make of record the documents cited herein.

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Based on PTO-1449 (3/90)				ATTY. DOCKET NO. 058081-00003		SERIAL NO. 10/690,086	
LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary)				APPLICANT Contini, Arturo			
				FILING DATE October 20, 2003		GROUP	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	4,632,840	12/1986	Takahashi et al.			
	AB						
	AC						
	AD						
	AE						
	AF						
	AF						
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
	BA	2793165	11/2000	France			
	BB	WO 00 67750	11/2000	Europe			
OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)							
	CA	Patent Abstracts of Japan, Vol. 008, No. 236 (C-249), 30 October 1984 for JP 59 120074, A Nisshin Seifun KK; Others					
	CB	Database WPI, Derwent Publications Ltd., London, GB; Section Ch, Week 198434, Class D13, Page 3, AN 1984-209333 for JP 59 120074, A Nisshin Seifun KK; Others					
	CC	Database WPI, Derwent Publications Ltd., London, GB; AN 2001-082993/200110; Abstract for FR 2793165					
EXAMINER				DATE CONSIDERED			
* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

USCOMM-DC 80-3995